

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RANDALL EUGENE PARRAN,	:	CIVIL NO. 3:13-CV-0275
	:	
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	
THEODORE VOORSTEAD, <i>et al.</i>,	:	
	:	
Defendants	:	

.....

ORDER

AND NOW, to wit, this 7th day of October 2014, upon consideration of defendants' motion (Doc. 50) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the court's memorandum of the same date, it is hereby **ORDERED** that:

1. The motion (Doc. 50) is granted in part and denied in part as follows:
 - a. The motion is GRANTED with respect to the First and Eighth Amendment claims against defendants France, Harry, Henry, Horner, Leggore, Meintel, Whalen and Zwierzyna.
 - b. The motion is GRANTED with respect to the Fourteenth Amendment due process claims against defendants Shoop, Taylor, Mihul, Swartz, Harry, Henry, Whalen, Meintel, Zwierzyna, Horner, Leggore, and France.
 - c. The motion is GRANTED with respect to the conspiracy claim against defendants Shoop, Taylor, Mihul, Swartz, Harry, Henry, Whalen, Meintel, Zwierzyna, Horner, Leggore, and France.
 - d. The motion is DENIED with respect to the Eighth Amendment medical

claim against defendant Shoop.⁴

- e. The motion is GRANTED to the extent that plaintiff seeks monetary damages against remaining defendants Shoop, Taylor, Mihul and Swartz in their official capacities.
- 2. Defendants Shoop, Taylor, Mihul and Swartz shall FILE an answer or appropriate pretrial motion addressing the remaining First Amendment retaliation claim and Eighth Amendment conditions of confinement and inadequate medical care violations on or before October 27, 2014.

BY THE COURT:

s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court

⁴The Eighth Amendment inadequate medical care claim against defendant Voorstead is also proceeding.